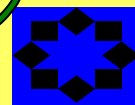


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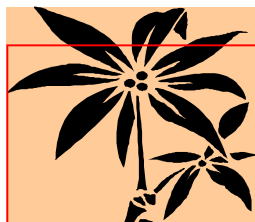
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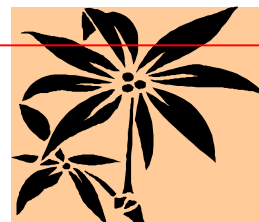
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★ QURBANI ISSUE ★

THE BODY AND SOUL OF QURBANI



Never does its flesh or blood reach Allah; instead it is your taqwa that reaches him; (Surah Hajj, verse 37)

From the above aayah of the Holy Quran we learn that there are two sides to Qurbani: one is the flesh and meat, the other is taqwa. The first denotes the outer appearance of sacrifice, whilst the second signifies the inner sphere of Qurbani, this is the Soul, or the spiritual kernel of Qurbani. In like manner, Islam has partitioned most acts of worship into body and soul. When one goes through the motions and postures of salaah, it portrays the outer shell of the salaah. One's concentration, presence of mind, and closeness to Allah constitutes the internal form of salaah; one may call it the rooh or soul of salaah. Abstaining from food, drink, and sexual intercourse represents fasting, but avoiding, lies, backbiting, swearing, and looking at sexual objects, make up the soul or spirit of fast. You will find this two-fold representation throughout the various acts of worship in Islam.

MEAT AND BLOOD

Islam teaches its followers to focus on both the external and internal forms of ibaadat, but it stresses greater concern for the internal. The above verse of the Quran proves it. In Qurbani too, Allah Ta'ala wants us to realize that it is not just meat and blood that constitute Qurbani; it is a combination of the above and taqwa that stems from the heart. Let

us not lose sight of the fact that great emphasis has been placed on the external form of Qurbani. For example, the type of animal allowed for slaughtering; the faults and defects to look out for in an animal; the age of the animal, etc., (most of which appear further on in this edition of *Al-Farouq*.) All these rules and regulations relate to the outer side of Qurbani. However, the Quran-e-Kareem calls for a more deeper focus and centralization of thought, and that is the taqwa of the heart. Remember that all acts of worship in Islam have the ability to inculcate and develop man's taqwa. The more acts of ibaadat one performs, the greater taqwa grows within.

ESSENCE IN WORSHIP

Today our gaze generally lingers only on the external side of things. We tend to overlook the more important internal sphere of our worship. Then we are left wondering as to why there is no essence or effect to our worship. Remember, for our good deeds to become effective and to impact upon our hearts, we must bring the soul and spirit into these deeds. Only then will we realize the true and deeper benefits of our actions. For how long have we been offering salaah, but still fail to shun shameless and sinful deeds? Yet the Holy Quran

has enunciated in no uncertain terms that the effect of salaah is to shun acts of immorality and sin. How many Qurbanis have we made, yet fail to find that taqwa within ourselves? Do we not fast year in and year out, in spite of which the taqwa of fast that The Holy Quran has promised remains elusive as ever. Some regularly perform Hajj and Umrah, but no change in their lives is observed. This is all because we have not yet plunged the spiritual depth of our ibaadat.

The acceptance of good deeds depends entirely on the internal lustre that we produce within them. Performing a good deed in a correct external manner ensures its validity, while creating within that deed deep spiritual splendour causes it to be accepted by Almighty Allah. Qurbani, thus, teaches the importance of having spiritual depth to our ibaadat. Let our actions not be only flesh and bones without a soul. ❀

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Questions & Answers

Q & A

Q Is it necessary for a woman to observe pardah with her brother-in-law?

A Rasoolullah (sallallahu alayhi wasallam) said: *The brother-in-law is death* (narrated by Imam Tirmizhi). The reasons for such a stern warning are: a) Sister-in-law and brother-in-law sometimes live in the same house, so there is often intermingling. b) Because of such frequent intermingling people tend to relax the law of pardah. c) If brother-in-law gets involved with sister in law, the repercussions of this zinaa is far worse than committing zina with an outsider, and eventually leads to severing of family ties. Sister-in-law and brother-in-law are not mehrams; they are total strangers, so hijab is wajib between the two.

Q If a Muslim is discovered to be infected by the Hiv or Aids virus, how should that person be treated?

A Such a person will be treated like any other HIV or AIDS patient. Give him or her all the normal treatment that is available, as well as moral support. Above all, such a person needs to be explained the workings of Taqdeer, the Power of Allah to cure, and the need to turn to Allah for help. It must be born in mind that not all people affected by this virus are guilty of immoral behaviour. There are various ways that people can contract this disease. Islam teaches that an ill person must be looked after and cared for. The rewards are tremendous for treating those whom are ill. Hence an HIV/AID patient should not be frowned upon or abandoned. In fact, they are in greater need of help than others. May Allah Ta'ala protect us from illness and disease and grant the afflicted ones complete Shifaa, aameen.

Q What is your view on the Amman Message?

A The Amman message is a document prepared and compiled after a meeting in Amman, upon the instigation of King Abdullah of Jordan. For all intents and purposes, that document appears to be politically motivated, for the content itself violates every principle of Islamic belief. One cannot read anything into this document except political machinations. The Amman Message has been supposedly designed to foster better inter-faith relations among Muslims, and to unite the fragmented Ummat. It is purported to convey the true aqaai-id or Beliefs of Islam. However, it contains everything to the contrary. It recognises certain sects that are outside the Pale of Islam, such as Shias, and it gives credibility to baatil or deviant groups such as the Ibaadiyyah and Salafi sects. The document precludes Ulema from declaring false sects as false, and issuing fatwa of kufr on those groups that have reneged on Islam. It is claimed that 500 scholars worldwide attached their signatures of approval to this document. What a farce! The 500 so-called scholars comprise male and female journalists, male and female business people, professors, medical doctors, rich land owners, etc. Surely such people cannot be termed Islamic Scholars. There are some Ulema from Saudi Arabia, Pakistan, India, and South Africa whose names appear on the list. However, one serious discrepancy that has come to light in the Amman message is the supposed 'signature' of Hazrat Mufti Taqi Uthmani, of Pakistan. We have a written statement in our possession from Hazrat Mufti sahib wherein he categorically denied signing the Amman message. His signature was probably copied from a fatwa on one particular is-

sue that he had sent to the Amman group. If this is the case, how can we believe that the other signatures are authentic?

Q A woman passed away and was survived by her mother, father, and 2 brothers. How will her estate be divided?

A According to the Islamic Law of Inheritance, when the father is alive, brothers and sisters do not inherit. Furthermore, if the deceased had no children or grandchildren, the father takes the balance of the estate after other heirs had received their shares. In the above case it is only the mother and father who will inherit. Due to the existence of mayit's brothers, her mother's share is scaled down from a third to one sixth. So mother gets one sixth, and the balance of five sixths go to the father. The above distribution must take place after funeral expenses, debts, and wasiyyat have been settled from the estate.

Q A man died and left behind his wife, mother, son, and daughter. How will the estate be divided?

A After settling funeral expenses, debts, and wasiyyat from the estate, the balance will be divided as follows: The wife will receive an eighth and the mother one sixth; the balance will be divided into three parts from which the son will get two parts and the daughter one.

Q The Muftis say that wasiyyat comes before the shares of the heirs. (In other words, if a deceased had made a wasiyyat (bequeathal), then one should first settle wasiyyat then give the heirs their shares from the residue.) Is this not injustice to the heirs? Should the heirs not come first? How can the Muftis ignore the

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Questions & Answers

Q & A

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haqq of the heirs by paying out wasiyyat first?

A The Muftis say this on the basis of Quran and Hadith. It is not the Muftis who decide who must get what first; instead it is Almighty Allah Himself who states that we should settle the wasiyyat **first**, then give the heirs their shares. After mentioning the shares of the sons, daughters, mother, and father Allah Ta'ala states in Surah Nisaa (4) verse 11: *...after a wasiyyat that was made or after debts*; In the very next verse, after mentioning the shares of the husband, wife, and siblings, Allah Ta'ala again states: *.... after a wasiyyat that was made or after debts*. This clearly indicates that the heirs will get their shares **after** a wasiyyat has been fulfilled. It is, therefore, not the ruling of the Muftis or Moulanas but rather the Command of Allah Azza Wa Jall in the Holy Quran. Anyone who opposes or refuses this is objecting directly against Almighty Allah. It should be noted that a wasiyyat is only paid out from a third or less of the estate. It is haraam to allow a wasiyyat to exceed a third.

Q Some men are habitual smokers and there are times when the smell on their breath and bodies causes much distress to the wife during intimacy. What rights does the wife have in such cases?

A Indeed, we believe there are many wives out there who suffer in silence under the assault of tobacco smell that emanates from the smoking husbands mouth, body, hair, and clothing. The smell of cigarettes can become so offensive at times that one becomes nauseous. According to Shariah if the husband causes such distress to his wife during intercourse, she may refuse him.

Q Is it permissible for two people to go half and half in slaughtering a sheep or a goat? Can two people share the cost of one animal for Qurbani?

A Shares for Qurbani are not allowed in a sheep or goat; hence two people will not be allowed to purchase one sheep or goat jointly and slaughter that for Qurbani. Such an animal will not be counted as Qurbani, but will be regarded only as halaal meat. The Shariah has allowed shares only in a camel or ox. These animals carry seven shares each.

Q Is one allowed to slaughter one animal in Qurbani for more than one dead person, or should we slaughter one animal per deceased?

A Actually one should offer one qurbani for one deceased. This is the proper way and all the thawaab of that one animal will go to the deceased whose name was taken. However, if one made one's own nafl qurbani, it will be permissible to convey the reward of this to more than one deceased. This is just like any other iesaal-e-thawaab. For example, one fasts or gives sadaqa or recites Surah Yaseen; the reward of these a'maal may be conveyed to several dead people at one and the same time. But if Qurbani is made in the name of specific dead people, then one animal per deceased is allowed.

Q If due to ignorance my friend and I purchased a sheep jointly; he gave half the price and I gave half. Now we realized that we cannot share this sheep for qurbani purposes. What do we do in this case?

A One of you should give his half of the sheep to the

other, so that the second person slaughters the whole sheep on behalf of himself. After doing so, he then makes an intention to convey the thawaab of his qurbani to you as well. In this way, both of you will achieve the objective of earning thawaab.

Q Should the arms be bent in ruku' or straight?

A In ruku the arms should be slightly bent. In this way one would be able to observe the sunnat ruku'.

Q Are men allowed to wear rings? If so, from which metal must the rings be made of?

A The rings that Rasoolullah (sallallahu alayhi wasallam) and the Sahaba wore were used as a seal for letters. Today we have the rubber stamp which is placed on letters and documents to prove authenticity. In those days they used their rings. The inscription on the ring of Rasoolullah (sallallahu alayhi wasallam) was "Muhammadur Rasoolullah". The rings they wore for this purpose was from silver, and Allah's Messenger prohibited all other metals in rings, such as gold, brass, copper, etc. In our times we do not use the rings for this purpose. The only reason why men wear rings today is for ornamentation and fancy display. So whether the rings are of silver, platinum, titanium, men of today will not be allowed to wear any type of rings.

Q A married man took a second wife, but the marriage was done in private. At the time of the marriage the husband stipulated a condition to the second wife that he will not spend the same time with her as he spends with the first wife. He stated that he will come to her

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From the Marital Desk

THE WEB HAS NETTED OUR MARRIAGES

There is an alarming increase in the number of marriages that have broken down or are on the verge of breaking down due to the husband's involvement in internet dating and web pornography. This is a new form of sin involving modern-day technology. Here we have zinaa via the net. Young and old husbands are spending hours at odd times of the day and night chatting to women over the net. With the cheap availability of laptops and notebook computers, we now have mobile zinaa. Wherever the intender of evil is, he can access the internet and pornographic websites and chat-rooms via his laptop. This is zinaa while on the move. Some ignorant men labour under the false notion that it is fine just chatting to women over the net, as long as there is no physical contact. This is how they soothe their conscience. But understand that Rasoolullah (sallallahu alayhi wasallam) prohibited zinaa of the eyes (looking), zinaa of the ears (hearing), zinaa of the tongue (speaking) and zinaa of the hands (touching). On the basis of this hadith in Bukhari Shareef, how can we ignore the clear-as-daylight sin of the **hands** when that unfaithful husband sits at his keyboard and types in those haraam words and messages. The Holy Quran warns that even our fingers shall be resurrected and shall bear testimony for or against us! (Surah Qiyamah, verse 4, and Surah Yaseen)

It is despicable in the extreme to hear of outwardly pious people who dress Islamically and guard their eyes from looking at women

in the street, indulging in this evil past time and satiating their eyes on haraam pictures over the net. They believe that no one sees them. Alas, such men are utter fools who have been duped by their lowly nafs and shaytaan. Allah says in The Holy Quran: *"Does he not know that Allah is watching him?" (Surah Iqra') "And Allah knows your movements (outside the home) and your living conditions (inside the home)" (Surah Muhammad). "Verily nothing in the heavens or in the earth remains hidden from Allah" (Surah Aala Imraan, verse 5)*

One wise man states in prose: *"O You who strives in sin behind locked doors, know that the Knower of the unseen and the present is ever present; He has the power to expose you, even in the darkest corner of the earth. Do not be deceived by concealment, for The Gaze of Allah penetrates all barriers."*

When the wife eventually discovers her husband's naughty cyber escapades, then all hell breaks loose. It is then that all the months of internet pleasure is mercilessly expunged from the husband's system through stress, depression, and marital misery. Well, he has to blame himself for falling to temptation in the very first instance. The Quran declares: **"Whatever calamity befalls you is because of your own handiwork"** (Surah Shoorah)

The amazing part of this whole sordid scenario is that even after having to go through hell, with the wife threatening to expose him, demanding her talaaq, and eventually walking out on him with the kids, the blessed idiot still goes back to his depraved sexual mannerisms and internet romps. When, in the name of all

that's good, will this husband learn his lesson? Allah Ta'ala save us from addiction to sin, aameen. It appears that these poor souls, like alcoholics and drug addicts, drown their miseries by indulging in these filthy misdoings.

In the next edition of Al-Farouq, we will, Insha Allah, offer a cure to this malice that has ravaged homes of good Muslim couples.

REGISTERING YOUR MARRIAGES

We wish to advise newly wedded Muslim couples who intend registering their marriages in court to take note of the following:

It is not a must that you register your Islamic marriage. Though our marriages are not yet recognised by law, but in certain legal matters, the Islamic Nikah certificate is recognised

If you do register your nikah then note that automatically your marriage will be considered in **community of property**, in accordance with the new Act that came into force from 15 November 2000. This means that the husband and wife each has a right to half share of the common property should they divorce or should either one pass away. Such a law is in conflict with Islamic Law. In Islam none of the spouses enjoy automatic rights to property unless they both physically and tangibly contributed to such property. Further, the community of property regime will also impact on the Islamic laws of inheritance, for should one spouse die, then the community of property rule grants the surviving spouse a right to half of the deceased's property. It then means that the Islamic heirs will receive less than what Allah has stipulated for them. For example, according to the Holy Quran the wife is sup-

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From the Marital Desk

Fiqh

REGISTERING YOUR MARRIAGES

(Continued from page 4)

posed to receive a **quarter** of the husbands' estate should he pass away and not leave any children, or **one eighth** of his estate if he has children. It is evident that in a community of property marriage the wife will walk away with **one half** of the whole estate and thereby deprive the children and other rightful heirs of their Quranic shares. The violation of Shariah through a community of property regime is thus very clear.

To avoid this we advise couples who go for court registration of their marriages to opt for an anti-

nuptial contract (ANC). This basically means that one spouse does not have a right or claim to the property of the other. Each one owns his or her own possessions and property. In this way, no law of Shariah is broken or violated, and the laws of inheritance could be fully adhered to after death.

Couples who have already registered their marriages in community of property are obliged by Shariah to either cancel such registration or change it to the anti nuptial contract. Both procedures cost money, hence we deemed it necessary to appraise the Muslim public of the procedure that must be adopted when entering into nikah. Besides, it is also a viola-

tion of Allah's Law, which is far more serious than losing a few rands. For those intending any of the above, we advise that they consult local Ulema in conjunction with Muslim attorneys.

Spouses who benefit from the community of property regime after divorce or death must realize that they are usurping the rights of others. They do not have any Islamic right over such property. At times, the haqq of even minors are usurped by unscrupulous spouses. Such unlawfully acquired property must be returned to the estate. This is a compulsory duty. Allah Ta'ala save us from such injustice, aameen. ❀

A Beautiful Hadith on A'maal

Imam Tabarani (RA) narrates the following in his major anthology of hadith: Abu Kaahil (radhiyallahu anhu) reports that Rasoolullah (sallallahu alayhi wasallam) gave him the following advice:

"O Abu Kaahil! Know for a certainty that Allah Rabbul Izzat will never become angry for one who has His Fear at heart, nor shall the Hell fire burn even an eyelash on his body; O Abu Kaahil! Know for a certainty that whoever covers his satar in private and in public out of shame for Allah, Allah takes it upon Himself to hide that person's shame on the Day of Judgment; O Abu Kaahil! Know for a certainty that he in whose heart the sweetness of salaah has entered, thus causing him to perform perfect rukoo' and sujood, Allah takes it upon Himself to please that person on the Day of Judgment; O Abu Kaahil! Know for a certainty that he who offers salaah for forty days and nights in jamaat with the first takbeer, Allah takes it upon Himself to write his freedom from Hell; O Abu Kaahil! Know for a certainty that he who fasts three days of every month in addition to the Month of Ramadaan, Allah takes it upon himself to provide him with water on the Day of Thirst; O Abu Kaahil! Know for a certainty that he who avoids harm to people, Allah takes it upon himself to save him from the harm of the grave. ❀"

Hadith on Usurpation of Land

Rasoolullah (sallallahu alayhi wasallam) said: *"He who usurps even a small portion of land unjustly, will be swallowed by that same earth on the Day of Judgement and will plunge seven levels down"* (Bukhari) ❀

AN APPEAL: REMEMBER THE SUFFERING HUMANITY

We have entered the first 10 days of Zhul-Hijja. Each day and night of this sacred period is holy and hallowed, and very efficacious in the acceptance of dua. Please remember the worldwide suffering Muslims in your duas over this period. Pray earnestly for the relief of those ravaged by floods, drought, and famine, for those being tortured by our enemies in detention camps, for the Palestinian nation who have to endure injustice from the Yahood, for the safety and well being of our Hujjaj, and for the protection of our Haramayn. Allahumma aameen. ❀

The Qurbani Period

Fiqh

1. Qurbani may only be done during the days of Nahr. NAHR actually means the sacrificing of a camel. But this term is generally used for the three days of qurbani, viz:

10, 11, & 12 ZHUL-HIJJA.

This is the period or the days of qurbani.

2. The qurbani period starts from subuh sadiq(dawn) on the 10th Zhul-Hijja and ends at sunset on the 12th.

Qurbani is allowed at any time during this period, including the nights of the 10th and 11th, but not the night of the 12th.

Note: Unlike other days where the night precedes the day, the qurbani nights come AFTER the days. Hence qurbani is not valid on the night before Eid.

3. People living in towns or cities, where Eid Salah is performed may not do their qurbani until after the Eid Salah.

4. But those staying in rural areas (farms, etc.) may begin their sacrifices at the break of dawn on Eid day, even if they intend coming into the city for Eid Salah later on.

5. It is proper for a city-dweller to delegate someone living in the countryside or rural area to perform his (the city-dweller's) qurbani in that rural area BEFORE Eid Salah. The place where the animal is sacrificed should always be considered to determine whether qurbani is permissible before Eid Salah or not. If the animal is being slaughtered in a rural area, that qurbani is jaiz before Eid Salah. And if it is being cut in the city then the qurbani is only jaiz after Eid Salah.

Hence, one living in the countryside cannot send his animal into the city to have the qurbani done there before Eid Salah.

On the same principle, if one's qurbani is being offered in another city or country, the Eid Salah of that area will be considered.

6. From the above it is clear that if one (male or female) living in the city made qurbani before Eid Salah, it is not valid and will have to be repeated. The animal thus slaughtered will be halaal, but will not be counted as qurbani.

7. If Eid Salah is conducted at several places in one city then it will be jaiz to commence qurbani after the earliest Eid Salah, even though the sacrificer has not yet read his Eid Salah.

8. Those people who are exempted from the Eid Salah, such as women, minors, the lame or sick, must also wait for the completion of the Eid Salah before they can begin sacrificing.

9. If qurbani was offered immediately after Eid Salah, but BEFORE the Eid khutba, it will be valid. But to do so intentionally is sinful.

10. If for some reason or other Eid Salah was not performed on Eid day(i.e. 10th Zhul-Hijja) then it will only be jaiz to commence sacrificing AFTER ZAWAAL on that day, i.e. after expiry of the time of Eid Salah, which is just before zawaal.

However, during the next two days qurbani could be done at any time. If Eid Salah was read the following day (11th), or the day thereafter (12th), qurbani would be jaiz even BEFORE the Eid on these two days.

The tarteeb or sequence between Eid salah and Qurbani for city-dwellers is wajib only on the first day (i.e. 10th).

When the Eid salah becomes qaza (by failing to read it before zawaal on the 10th) then this tarteeb falls away.

In such a case one may make qurbani from after zawaal on the

10th, and at any time on the following two days.

11. If after Eid Salah and qurbani it was discovered that for some reason the Eid Salah was not valid (e.g. Imam had no wuzu, or a faraz was omitted) then the Salah will have to be repeated, but the qurbani made by people will be valid. There is no need to repeat the qurbani.

12. If the need to repeat Eid Salah was realised at the Eidgah before the dispersing of the crowd then the Salah will be repeated then and there, in jamaat form. In this case no one is allowed to offer qurbani until the Eid Salah has been reread.

13. If the need to repeat the Salah was only discovered after people had gone home then only the Imam should repeat his Salah. It is not necessary to inform the Muslim public. All subsequent qurbanis will be valid (as stated in no.11 above).

14. If after Eid and qurbani it was discovered that the Hilaal (new moon) information was incorrect, and it was in fact the NINTH of Zhul-Hijja, and not the tenth, then both the Salah and qurbani are valid. There is no need to repeat either.

15. Slaughtering at night is valid, but makrooh tanzeehi (better not to do so).

16. If the qurbani animal was sacrificed BEFORE the period of qurbani, it will not be jaiz to eat its meat. The whole animal must be distributed among the poor.

If qurbani was initially wajib upon the owner then another animal should be bought and sacrificed when the qurbani period enters. ❀

LAWS REGARDING THE CONDITIONS OF QURBANI

1. If a non-Muslim accepts Islam at any time during the qurbani period, and he be in possession of the nisaab, qurbani will become wajib upon that new muslim. The minor who becomes balig during the qurbani period and is in possession of the nisaab, also has to offer qurbani.

2. If a musaafir becomes a muqem (by either returning home or deciding to stay at one place for 15 days or more) during the qurbani period, the qurbani will become wajib upon such a person.

3. If one upon whom Qurbani was wajib had bought an animal for this purpose, but then decides to go on a Shar'ee journey (48 miles or more), it will NOT be necessary for that person to offer qurbani, unless he/she becomes a muqem again during the qurbani days. In this case once qurbani is not compulsory, the animal that was purchased for qurbani could be used for any other purpose. However, one upon whom qurbani was NOT WAJIB (e.g. a poor person) will HAVE to sacrifice the animal purchased for qurbani, even if he/she becomes a musaafir. By buying an animal for qurbani that person has made it wajib upon himself.

4. It is not wajib upon the father to make qurbani on behalf of his minor children, even if they are in possession of the nisaab. It will be sinful for the father to use the money of his minor children for qurbani.

If the parent/guardian wishes to

make nafl qurbani for minor children, they should do so out of their own expense.

5. The nisaab of sadaqatul-fitr is that amount of wealth in the form of cash, gold, silver, stock, property, etc. which is equal to the value of 612.44 grams of silver, and this nisaab should be apart from one's daily expense and necessities, and the expense and needs of one's wife, children and other dependants.

This is the nisaab of fitra or sadaqatul-fitr. For this the passing of one Islamic year is not a condition. If this nisaab is found at any time during the days of Nahr(qurbani), it will be wajib upon one to make the sacrifice. The nisaab could be ascertained yearly from the local Ulema.

6. People residing on farms or in villages, where Eid Salah is not performed, must also make qurbani if the conditions are found.

7. It is not wajib upon the husband to make qurbani on behalf of his wife. If a woman is by the means to offer qurbani (i.e. the conditions are found in her as explained above), then she should do so from her own wealth. However, if the husband agrees to do it on her behalf, with her consent, then this is in order.

8. Qurbani is not wajib upon an insane person.

9. Qurbani will also be wajib

upon that Hajji who happens to be a MUQEEM, and not a MUSAAFIR during the days of Hajj. If the Hajji is a musaafir then of course qurbani will not be wajib upon him.

A hajji will be considered a musaafir when he/she enters Makka Mukarrama less than 15 days before Yowmut-Tarwiya, i.e. 8th Zhul-Hijja.

A Hajji who has entered Makka 15 days or more before the 8th of Zhul-Hijja will not be regarded as a musaafir, and as such, will have to offer qurbani if by the means.

NOTE:

a) The dum or hadi of Tamattu' and Qiraan which is slaughtered in Mina is totally separate from the qurbani which is being discussed here.

b) Before going for Hajj someone could be entrusted with the task of performing the qurbani AT HOME for the one who is in Hajj. This will spare the Hajji the added responsibility of having to make TWO sacrifices during Hajj (the dum of Hajj and the qurban-i).

10. If the person upon whom qurbani was wajib dies during the days of qurbani BEFORE offering his sacrifice, such a person is exempt from qurbani. It is no longer wajib upon him.

But if he dies JUST PRIOR TO THE EXPIRY of the qurbani period, he is not exempted from qurbani. It remains wajib and such a person would have had to make a wasiyyat instructing the heirs to do the qurbani on behalf of the mayyit. ❀

Takbeer of Tashreeq

Fiqh

1. Takbeer e Tashreeq is the name of the takbeer recited during the Bakri Eid period. The words of this takbeer are as follows:

اللَّهُ أَكْبَرُ اللَّهُ أَكْبَرُ لَا إِلَهَ إِلَّا اللَّهُ
وَاللَّهُ أَكْبَرُ اللَّهُ أَكْبَرُ وَلِلَّهِ الْحَمْدُ

Allah is The Greatest. Allah is The Greatest. There is no God but Allah, and Allah is The greatest. Allah is The Greatest, and all praises are due unto Allah.

2. It is wajib to recite this takbeer ONCE, LOUDLY AFTER EVERY FARAZ SALAH. Therefore, any person performing a faraz salah must read this takbeer IMMEDIATELY after the completion of the salah, before reading any other zikr or dua.

3. This takbeer is wajib upon the IMAM, THE MUQTADI(one following the Imam), THE MUSAAFIR, THE MUNFARID(one who is reading salah alone), THE MASBOOQ(one who has missed a few rakaats of the jamaat), AND WOMENFOLK.

4. A woman shall read the takbeer softly, to her self, whilst all the others should read it aloud.

5. The masbooq will read his

takbeer after filling in the missed rakaats.

6. Takbeer e tashreeq starts from Fajr salah on the 9th Zhul-Hijja, and ends after Asr salah on the 13th. These five days are known as the days of Tashreeq. In total, takbeer will be recited after 23 faraz salah.

7. The takbeer will also be read after Juma' and Eid salah, but not after Janaaza salah.

8. If salah which had become qaza during the days of tashreeq are filled in during the same period, takbeer will be read after these qaza salah as well.

Besides the above, takbeer will not be recited after any other qaza salah.

9. If the Imam forgets to say the takbeer, the muqtadees should not wait, but should go ahead and recite the takbeer.

10. It is not a condition that the takbeer be recited in chorus, i.e. all together in one voice. What is important is that each person says the takbeer in an audible voice.

Furthermore, the takbeer should not be read in a screaming and excessively loud manner.

11. If the wuzu broke immediately after salaam, one should first read the takbeer and then go

to make wuzu.

12. The takbeer has to be recited immediately after the faraz salah. However, if one forgets and engages in zikr or dua, the takbeer should be said immediately upon remembering.

As long as one did not speak to anyone, the takbeer remains wajib. If one had spoken or left the Masjid or place of salah, the takbeer can now no longer be recited. One should then make istigf-aar (repentance) for omitting this wajib act.

13. Those performing Hajj are also required to read the takbeer of tashreeq during the days of tashreeq. After the faraz salah the Muhrim(one in ihram) should FIRST say the takbeer and then the talbiya.

14. In Muzdalifa, when making Jama' of Magrib and Eshaa salah, the takbeer should be recited after the faraz of Magrib too. This will not be regarded as a separation of the two salah.

15. During the first ten days of Zhul-Hijja it is mustahabb to recited this takbeer as a constant zikr at all times. ❀

Qaza of Qurbani

1. After having bought an animal for qurbani, if the days of Nahr passed by without offering that animal in sacrifice, it will be wajib to now give the LIVE animal away to the poor.

If this animal is sold and the money given out in sadaqa then this is also proper.

NOTE: Istighfaar (repentance from sin) should be made when failing to fulfil qurbani.

2. If the animal was given in charity alive before the expiry of

the days of Nahr, another one should be sacrificed in its place.

AS LONG AS THE QURBANI PERIOD REMAINS, THE ANIMAL MUST BE SACRIFICED. By giving the live animal away to poor one is not absolved.

3. In the above case, should anyone fail to purchase another animal before expiry of the qurbani period then the price of an animal must be given in charity.

4. If after the qurbani period the animal which was supposed

to have been given in sadaqa, is slaughtered then its meat and every other part must go to the poor.

5. In the above case it is HARAAM for the owner to eat of that animal since it is no longer qurbani but sadaqa, which is the due of the poor. If some meat was eaten or given to relatives (whom are not poor) then the value of that meat, etc. in cash must go to the poor.

6. One who did not make qurbani for several years should give sadaqa of the price of one animal for each year missed. ❀

Thabah

Fiqh

ISLAMIC METHOD OF SLAUGHTER

Hereunder are a few important laws pertaining to Shar'ee Thabah. Since the validity of qurbani depends upon the correct method of slaughter, it will be essential to know at least the basics of this practice. If a qurbani animal is slaughtered incorrectly, and is subsequently rendered haraam, that qurbani is not counted and will have to be repeated.

CONDITIONS FOR THABAH

1. Taking The Name of Allah before slaughtering.

The sunnat words to be recited are:

2. Using a sharp knife or similar instrument.

3. The slaughterer must be a Muslim male or female, or Muslim child who knows the method of slaughter.

4. The instrument used for slaughtering should be stroked over the throat by the HAND of the slaughterer.

5. Severing the four vessels in the throat, viz. the gullet, the jugular vein and the two wind pipes. However, if at least THREE are cut, the animal will be halaal.

If the above factors are observed, the animal will be halaal. On the other hand, if any condition is omitted, the animal will be regarded as carrion by The Shariah.

LAWS ON THABAH

.1 It is **sunnat muakkada** to face qibla while slaughtering. Hence, as far as possible, this practice of facing qibla should not be left out except for a valid reason. However, if this is not done the animal will still be halaal, since this is not a condition for the validity of thabah.

.2 If the slaughterer does not take The Name of Allah (i.e. he does not say **Bismillah**) intentionally, the animal is haraam.

But if he forgets to recite **Bismillah** when slaughtering, the animal is not haraam, but lawful for

consumption.

.3 Only saying **bismillah** is sufficient to render the animal halaal, even if **Allahu Akbar** was not said. If one says the whole tasmiyah, i.e. **Bismill-ahir-Rahmanir-Raheem**, this is also enough to ensure the animal is halaal after slaughter.

.4 If only two vessels were cut, the animal will be haraam.

.5 If by mistake the whole head of the animal was cut off at the time of thabah, the animal will still be halaal. However, to do this intentionally is makrooh tahreemi (forbidden).

.6 If a woman in haiz (menstruation) or nifaas, or one in the state of janabat carries out the thabah, the animal will be halaal as long as the conditions mentioned overleaf are found.

.7 It is makrooh tahreemi to slaughter from the nape (back of the neck), or to use a blunt knife, or to skin the animal while there is still life in it. In short, all forms of unnecessary suffering caused to the animal is forbidden. ❀

Questions & Answers

(Continued from page 3)

whenever he is free and able to do so, sometimes at night, sometimes during the day. The new wife agreed to waive her rights in this regard. Some time after the marriage was solemnised, the second wife decides to claim her haqq and now wants her right to equal time to be reinstated. Can she do so?

A Yes, she can do so. This is one haqq that can be temporarily waived but not entirely forfeited. The second wife can ask for her right to equal time-sharing to be restored.

Q Is it permissible to read a qiraat at a wedding function without a topi?

A This is not permissible because it is open disrespect to the Holy Quran.

Q Is it permissible for a lady to read salaah wearing a long dress without pants? Does the ground curse such a woman?

A Salaah in such a manner is totally permissible. However, care should be taken that when mak-

ing sujood or sitting that the legs are not uncovered in any way. There is no grounds for the curse of the ground. In one hadith Rasoolullah (sallallahu alayhi wasallam) made dua of mercy for those ladies who wear pants under their dresses. ❀

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Duas of Qurbani

Duas

Once the animal is down the slaughterer will recite the following duas:

اِنِّي وَجَّهْتُ وَجْهِيَ
لِلَّذِي فَطَرَ السَّمَوَاتِ
وَالْأَرْضَ حَنِيفًا وَمَا اَنَا
مِنَ الْمُشْرِكِينَ

(Trans.) I have firmly turned myself towards Him Who Has Created the heavens and the earth, and I am not among the Mushrikeen.

اِنَّ صَلَاتِي وَنُسُكِي
وَمَحْيَايَ وَمَمَاتِي لِلَّهِ
رَبِّ الْعَالَمِينَ لَا شَرِيكَ لَهُ
وَبِذَلِكَ أُمِرْتُ وَأَنَا مِنَ
الْمُسْلِمِينَ

Verily my Salah, my sacrifice, my life and death are for Allah, Lord of the worlds. He has no partner; and with this have I been commanded, and I am among the Muslimeen.

اَللّٰهُمَّ مِنْكَ وَلَكَ

O Allah! (This animal is) from You and (it is being sacrificed) for You.

5. After reciting above duas softly, say the following words:

6. بِسْمِ اللّٰهِ اللّٰهُ اَكْبَرُ

In The Name of Allah.
Allah is The Greatest

6. Upon uttering these words, slaughter the animal swiftly and with the as few strokes of the knife as possible.

The above words must be said right at the time of slaughtering.

In a hadeeth narrated by Shaddad bin Ows (radhiyal-lahu anhu) Rasoolullah (Sallallahu alaihi wasallam) said:

"Verily Allah has ordained proficiency in everything. So when you kill be proficient.....; let the slaughterer sharpen his knife and give quick relief to his animal." (Targeeb)

7. After the animal has been slaughtered, say the fol-

lowing dua:

اَللّٰهُمَّ تَقَبَّلْهُ مِنِّيْ كَمَا
تَقَبَّلْتَ مِنْ حَبِيْبِكَ
مُحَمَّدٍ وَخَلِيْلِكَ اِبْرَاهِيْمَ
عَلَيْهِمَا الصَّلَاةُ وَالسَّلَامُ

O Allah! Accept it from me like You accepted from Your Beloved One, Muhammad and from Your Friend Ibraheem (Salaat and Salaam upon them both)."

If one is slaughtering an animal on behalf of another the niyyat should include the name of that person, e.g. "O Allah, I intend sacrificing this animal for so and so". Then when making the above dua, in place of the word minnee, say the name of that

person after the word min- مِنْ

E.G.

Mention name of person here ---

اَللّٰهُمَّ تَقَبَّلْهُ مِنْ ----->

Laws regarding Animals in Qurbani

Fiqh

TYPES OF ANIMALS ALLOWED IN QURBANI

THE FOLLOWING ANIMALS ARE ALLOWED FOR QURBANI PURPOSES:

GOATS, SHEEP (EWES OR RAMS), OXEN (COWS OR BULLS), BUFFALOES, CAMELS.

All species of the above animals, of whichever gender, are permitted for sacrifice. Besides these no other type of animal is allowed.

THE AGE OF THE QURBANI ANIMAL:

A goat or sheep must be exactly one year of age or more.

An ox should be 2 %* years or above, and a camel should be five years or more.

If an animal is even one day under the age limit, qurbani of that animal is not permitted.

A sheep of about 6 months, which is so fat and healthy that it resembles normal one year old sheep, is allowed for qurbani.

DEFECTS IN THE QURBANI ANIMAL

1. The following animals are not allowed in Qurbani:

- a. An animal blind in one or both eyes.
- b. An animal without ears from birth.
- c. An animal with a third or more of the ear or tail missing.
- d. A lame animal which walks with only three legs, the fourth being totally useless.
- e. An animal without teeth, or which has lost most of its teeth.
- f. An animal the horns of which have broken off from the roots.
- g. Such an emaciated animal the bones of which protrude from the skin.
- h. A cow with more than one

udder missing.

2. If an animal limps but supports itself on the lame leg to a certain extent, it can be offered in qurbani.

However, if it does not use the lame leg at all when walking, qurbani of it will not be jaiz, as stated in 'd' above.

3. Lean, thin animals are permitted in qurbani as long as they are not so emaciated as mentioned in 'g' above.

But it is much more rewarding to cut healthy animals for qurbani.

4. It is permissible to make qurbani of animals born without horns. Similarly, if part of the horns had broken off, qurbani is still allowed as long as they are not uprooted.

5. Qurbani of castrated animals is also permissible, in fact this is more meritorious.

6. An animal with scabies is also allowed in qurbani. But if due to the disease the animal has become extremely thin and weak, qurbani of it will not be permissible.

7. If after purchasing an animal for qurbani such a fault developed in that animal which rendered it unfit for qurbani then for one upon whom qurbani was wajib from the very outset, it is incumbent to acquire another animal in its place. The defective animal can no longer be offered in qurbani.

For one upon whom qurbani was not wajib from the beginning, it will be permissible to sacrifice

that same, defective animal.

8. If a defect occurs in the animal while slaughtering, this will not affect the qurbani. One should continue with the slaughtering.

9. A cow with only one udder missing is allowed in qurbani.

FURTHER LAWS REGARDING QURBANI ANIMALS

1. If the qurbani animal bears milk, it will not be jaiz for the owner to extract the milk and use it. When the udders are very full the milk could be removed but must be given to the poor.

2. The same law will apply to the hair and wool of the animal. Prior to qurbani the animal should not be sheared. If it is, then the hair or wool thus removed must also be given in sadaqa. The owner is not permitted to utilize this.

3. If the wool or milk was sold, it will be wajib upon the owner to give the proceeds to the poor.

4. Prior to qurbani no part of the animal may be removed and used for whatever purpose. Once qurbani is done all but FIVE PARTS of the animal may be used as one wishes.

THE FOLLOWING FIVE PARTS OF AN ANIMAL ARE HARAAM FOR CONSUMPTION:

THE GALL BLADDER, THE URINARY BLADDER, THE GLANDS, THE BLOOD AND THE MALE AND FEMALE GENITALIA.

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Laws regarding Animals in Qurbani

Fiqh

(Continued from page 11)

5. It is permissible to sacrifice a pregnant animal. However if the pregnancy is in an advanced stage then qurbani of such an animal will be makrooh.

6. If the babe could be delivered before expiry of the days of qurbani, this should be done. Thereafter the mother will be sacrificed. In this case the newborn animal should also be slaughtered and given to the poor. It can also be given alive to the poor (which may be preferable in some cases).

It cannot be eaten or sold by the owner. If it is sold the money received for it must go to the poor. It is also not proper for the owner to keep that animal for the following year's qurbani.

7. If the qurbani period will expire before the birth of the baby then the mother should be sacrificed. In this case the baby should be removed from the dead animal. If it is still alive the same laws as in

no. 6 will apply. If dead, it should be buried. To eat it is haraam.

8. If one upon whom qurbani is wajib loses his animal and subsequently purchases another, and then happens to find the first animal, he has the option of sacrificing either one of the two. It is not wajib on him to sacrifice both animals.

If however, he decides to sacrifice the second animal (not the one that was lost), he should compare its price with the first. If it is lesser in price than the first, then the difference in cash must be given to the poor.

9. If this (losing the qurbani animal) happens to one upon whom qurbani was not wajib, he is exempted from qurbani. But, if he had bought another animal, and then finds the first, it is wajib upon him to now sacrifice BOTH animals.

10. If the qurbani animal dies then one upon whom qurbani was wajib should buy another animal, whereas for one upon whom it was not wajib, qurbani is waived. Such a person need not purchase another animal.

11. It is makrooh for one on whom qurbani is wajib to substitute one animal for another, after having specially bought the first for qurbani. But should this be done the qurbani of the second animal will be valid.

One on whom the sacrifice is not wajib cannot substitute the first animal. If such a person buys a second animal, the qurbani of BOTH becomes wajib.

12. After purchasing an animal for qurbani it will not be proper to sell that animal. However, if it is sold, the owner will have to buy a SIMILAR animal, or one BETTER than it for qurbani.

If he buys an animal inferior to the first, he should compare the value (not price) of both, and then give away the difference in charity. ❀

THE QURBANI OF RASOOLULLAH

ﷺ

The Honourable Messenger of Allah made qurbani of two rams which had big horns, were white in colour with black patches, and both were castrated.

He sacrificed both with his own blessed hands. At the time of slaughtering the one, he instructed Hazrat Ayesha (radhiyallahu anhaa) to sharpen the knife on a stone. When she had done this and handed him the knife, he laid down the ram, placing his

foot on its flank. After slaughtering it he said:

"O Allah accept this on behalf of the Ummat of Muhammad."

It is therefore only fair that whosoever Allah has granted wealth, should reciprocate by offering a qurbani on behalf of Rasoolullah (Sallallahu alaihi wasalam).

The Noble Messenger of Allah would perform his

Eid Salah at the Musalla or Eidgah, and would offer his qurbani immediately thereafter, right at the Eidgah. ❀

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